



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*SJ*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/168,368	10/07/98	RITGER	P HORIZMD.001D

020995 QM12/0121  
KNOBBE MARTENS OLSON & BEAR LLP  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH CA 92660

EXAMINER

NGUYEN, A

ART UNIT	PAPER NUMBER
----------	--------------

3763

*6*

DATE MAILED: 01/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

1-21-00

# Office Action Summary

Application No.  
09/168,368

Applicant(s)

Phillp L. RITGER et al.

Examiner

NGUYEN, A. T.

Group Art Unit

3763



☒ Responsive to communication(s) filed on Nov 29, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-12 is/are pending in the applicat

Of the above, claim(s) 1-6 is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 7-12 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*Nguyen, A. T.*  
*An 3763.*

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

**DETAILED ACTION**

***Election/Restriction***

1. Claims 1-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention of Group I. Election was made **without** traverse in Paper No. 4 received at the Office on 11/29/99.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imbert (4,589,871).

Imbert shows a syringe comprising a hollow barrel (21), a plunger (37), a first textured Luer fitment (23) joining with a second Luer fitment (28), which may be a syringe tip or a catheter hub; wherein the textured surface on the first Luer fitment is adapted to direct a fluid away from the textured and second surfaces because the surfaces are in a sealed condition; and; wherein it would have been obvious for one skilled in this art to modify the invention to Imbert to alter the outer diameter of the textured fitment so that the force required to disengage the textured tip from the female fitment when the fitments are dry may be substantially the same or less than the force required to disengage when a fluid is present between the textured and second surfaces, because this would have been an obvious design choice.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasquini et al (4,430,080) in view of Maivar (4,096,229).

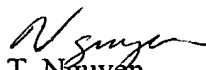
Pasquini et al disclose syringe assembly with snap-fit components that may be of other configurations than being grooves and protuberances (col. 3, lines 25-36). The protuberances on the syringe tip are interpreted as being textured. However, Pasquini et al do not specifically disclose how the protuberances or texture are formed. Maivar, on the other hand, discloses a method of heat molding to result in a textured surface (col. 4, line 55 to col. 5, line 4). Thus, it would have been obvious for one skilled in this art to mold the tip of Pasquini et al in heat in order to archive a desired state of textured surface so that the engagement force of the fitment in a moistened state equals or exceed the engagement force in an unmoistened state. This is also an obvious design choice.

*Conclusion*

5. Any inquiry concerning this or earlier communications, or a fax number, should be directed to Examiner Nguyen, A. T. at telephone number (703) 308-2154.

In the event if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mrs. Wynn Wood-Coggins, can be reached at (703) 308-1344.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858.

  
A. T. Nguyen  
Patent Examiner  
01/13/2000